



## COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

<b>COUNCIL MEMBERS</b>	<b>REDEVELOPMENT AGENCY</b>
Dennis Kennedy, Mayor	Dennis Kennedy, Chair
Greg Sellers, Mayor Pro Tempore	Greg Sellers, Vice-Chair
Larry Carr, Council Member	Larry Carr, Agency Member
Hedy Chang, Council Member	Hedy L. Chang, Agency Member
Steve Tate, Council Member	Steve Tate, Agency Member

**WEDNESDAY, APRIL 21, 2004**

**AGENDA**

**JOINT MEETING**

**CITY COUNCIL SPECIAL AND REGULAR MEETING**

**and**

**REDEVELOPMENT AGENCY SPECIAL MEETING**

**5:00 P.M.**

***A Special Meeting of the City Council and Redevelopment Agency is Called at 5:00 P.M. for the Purpose of Conducting A Workshop and Closed Sessions.***

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**Dennis Kennedy, Mayor/Chairman**

**CALL TO ORDER**

(Mayor/Chairperson Kennedy)

**ROLL CALL ATTENDANCE**

(City Clerk/Agency Secretary Torrez)

**DECLARATION OF POSTING OF AGENDA**

**Per Government Code 54954.2**

(City Clerk/Agency Secretary Torrez)

**5:00 P.M.**

## ***Redevelopment Agency Action***

### **WORKSHOP:**

	<b>Time Estimate</b>		<b>Page</b>
1.	60 Minutes	<b><u>WALNUT GROVE PLANNED UNIT DEVELOPMENT (PUD) WORKSHOP</u></b> .....	1
		<b><u>Recommended Action(s):</u></b>	
		1. <b><u>Review</u></b> and <b><u>Discuss</u></b> the Four Site Design Concepts for the Walnut Grove PUD; and	
		2. <b><u>Provide</u></b> Direction/ <b><u>Select</u></b> Desired Site Design Concept(s) for Presentation to the Diana Avenue Neighborhood.	

**6:00 P.M.**

## ***City Council Action and Redevelopment Agency Action***

### **CLOSED SESSION:**

1.  
**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**  
Authority: Government Code Sections 54956.9(b) & (c)  
Number of Potential Cases: 4

2.  
**PUBLIC EMPLOYEE PERFORMANCE EVALUATION**  
Legal Authority: Government Code 54957  
Public Employee Performance Evaluation: City Manager  
Attendees: City Council, City Manager

### **OPPORTUNITY FOR PUBLIC COMMENT**

### **ADJOURN TO CLOSED SESSION**

### **RECONVENE**

### **CLOSED SESSION ANNOUNCEMENT**

**7:00 P.M.**

### **SILENT INVOCATION**

### **PLEDGE OF ALLEGIANCE**

**RECOGNITIONS**

Bonnie Leonetti, Mas Minami, Ray Skeels Parker, and Marie Skinner  
*Mayor Kennedy*

**PRESENTATION**

"The Public Health Goal for Perchlorate in Drinking Water"  
*Dr. David Ting*  
*California Environmental Protection Agency - Office of Environmental Health Hazard Assessment*

**CITY COUNCIL REPORT**

Mayor Pro Tempore Sellers

**CITY COUNCIL SUB-COMMITTEE REPORTS**

**CITY MANAGER'S REPORT**

**CITY ATTORNEY'S REPORT**

**OTHER REPORTS**

**PUBLIC COMMENT**

**NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.**

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME  
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND  
PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE  
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY  
COUNCIL/REDEVELOPMENT AGENCY.**

## ***City Council Action***

**CONSENT CALENDAR:**

**ITEMS 2-25**

The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

**Time Estimate**

**Consent Calendar: 1 - 10 Minutes**

**Page**

2. **RESIGNATION OF A PARKS & RECREATION COMMISSIONER** ..... 7  
**Recommended Action(s):** Accept Rick Page's Notice of Resignation from the Parks & Recreation Commission.
3. **CALTRAIN ELECTRIFICATION PROGRAM ENVIRONMENTAL IMPACT REPORT (EIR)** ..... 11  
**Recommended Action(s):** Authorize City Manager to Submit Comments.

	<b>Time Estimate</b>	<b>Page</b>
	<b>Consent Calendar: 1 - 10 Minutes</b>	
4.	<b><u>SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND</u></b> ..... <b>Recommended Action(s): <u>Approve</u></b> the Fiscal Year 2003-2004 Spending Plan for the Supplemental Law Enforcement Services Fund.	<b>15</b>
5.	<b><u>PROPERTY USE AGREEMENT WITH AT&amp;T WIRELESS</u></b> ..... <b>Recommended Action(s): <u>Authorize</u></b> the City Manager to Execute a Property Use Agreement with AT&T Wireless for the Purpose of Operating a Telecommunications Facility at the El Toro Water Tank Site; Subject to Review and Approval by the City Attorney.	<b>17</b>
6.	<b><u>MARCH 2004 FINANCE &amp; INVESTMENT REPORT</u></b> ..... <b>Recommended Action(s): <u>Accept</u></b> and <b><u>File</u></b> Report.	<b>51</b>
7.	<b><u>AQUATICS CENTER PROJECT – MARCH CONSTRUCTION PROGRESS REPORT</u></b> ..... <b>Recommended Action(s): <u>Information Only</u></b> .	<b>77</b>
8.	<b><u>APPROVE PURCHASE ORDER FOR FURNITURE AT THE AQUATICS CENTER</u></b> ..... <b>Recommended Action(s): <u>Authorize</u></b> the City Manager to Execute a Purchase Order in the Amount of \$60,894.11 with Office Products & Interiors (OPI) for Furniture at the Aquatics Center.	<b>85</b>
9.	<b><u>DONATION FROM HOWARD LEWIS FOR AQUATICS CENTER</u></b> ..... <b>Recommended Action(s): <u>Accept</u></b> Donation from Howard Lewis in the Amount of \$1,500 for the Purchase of Lifeguard Tower.	<b>87</b>
10.	<b><u>AMENDMENT TO AGREEMENT WITH VALLEY TRANSPORTATION AUTHORITY (VTA) FOR SHELTER ADVERTISING PROGRAM</u></b> ..... <b>Recommended Action(s): <u>Approve</u></b> Amendment No. 5 to the VTA Shelter Advertising Program.	<b>91</b>
11.	<b><u>ADOPT A RESOLUTION DECLARING THE CITY OF MORGAN HILL’S COMMITMENT TO BEING A BICYCLE FRIENDLY COMMUNITY</u></b> ..... <b>Recommended Action(s): <u>Adopt</u></b> Resolution Declaring the City of Morgan Hill’s Commitment to Being a Bicycle and Trails Friendly Community.	<b>97</b>
12.	<b><u>FINAL MAP ACCEPTANCE FOR CENTRAL PARK PHASE VII (TRACT 9562)</u></b> ..... <b>Recommended Action(s):</b> 1. <b><u>Approve</u></b> the Final Map, Subdivision Agreement, and Improvement Plans; 2. <b><u>Authorize</u></b> the City Manager to sign the Subdivision Improvement Agreement on Behalf of the City; and 3. <b><u>Authorize</u></b> the Recordation of the Map and the Subdivision Improvement Agreement Following Recordation of the Development Improvement Agreement.	<b>101</b>
13.	<b><u>APPROVAL OF SUBDIVISION AGREEMENT FOR COYOTE ESTATES PHASE VIII (TRACT 9567)</u></b> ..... <b>Recommended Action(s):</b> 1. <b><u>Authorize</u></b> the City Manager to Sign the Subdivision Improvement Agreement on Behalf of the City; and 2. <b><u>Authorize</u></b> the Recordation of the Map and the Subdivision Improvement Agreement Following Recordation of the Development Improvement Agreement.	<b>113</b>

Time Estimate  
Consent Calendar: 1 - 10 Minutes

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14. **AMENDMENT TO CONSULTANT SERVICES AGREEMENT FOR JACKSON OAKS BOOSTER STATION**..... 125  
Recommended Action(s): Approve Amendment to the Agreement with Freitas Engineering for Design and Construction Services on the Jackson Oaks Booster Station, Increasing the Contract Amount by \$13,500 and Extending the Completion Date to December 31, 2005.
  
15. **AMENDMENT TO AGREEMENT WITH THE LAW OFFICES OF ROGER BEERS**..... 129  
Recommended Action(s): Authorize the City Manager to Execute an Amended Agreement with the Law Offices of Roger Beers.
  
16. **AWARD CONTRACT FOR CITY OF MORGAN HILL AUDIT SERVICES FOR THE FISCAL YEARS ENDING JUNE 30, 2004, 2005 AND 2006**..... 145  
Recommended Action(s): Authorize the City Manager to Execute a Contract, Not to Exceed \$45,107, for Annual Audit Services Provided by Moss, Levy and Hartzheim for the three years ending June 30, 2004, 2005, and 2006.
  
17. **DEDICATION OF POLICE FACILITY AT 16200 VINEYARD BOULEVARD**..... 147  
Recommended Action(s): Authorize the Dedication of the new Police Facility, located at 16200 Vineyard Boulevard, in the name of Chief John R. Moreno.
  
18. **ADOPT ORDINANCE NO. 1666, NEW SERIES**.....149  
Recommended Action(s): Waive the Reading, and Adopt Ordinance No. 1666, New Series, and Declare That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING A ZONING AMENDMENT FROM R-2 3,500 TO R-2 3,500/RPD RESIDENTIAL PLANNED DEVELOPMENT OVERLAY AND ADOPTION OF A PRECISE DEVELOPMENT PLAN FOR A ONE ACRE PARCEL LOCATED ON THE NORTH WEST CORNER OF WATSONVILLE ROAD AND CALLE SUENO (APPLICATION ZA-03-10: WATSONVILLE – SOUTH COUNTY HOUSING APN 767-23-017).**
  
19. **ADOPT ORDINANCE NO. 1667, NEW SERIES**.....155  
Recommended Action(s): Waive the Reading, and Adopt Ordinance No. 1667, New Series, and Declare That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING DEVELOPMENT AGREEMENT, DA 03-06 FOR MP 02-26: WATSONVILLE- SOUTH COUNTY HOUSING (APN 767-23-017).**
  
20. **ADOPT ORDINANCE NO. 1669, NEW SERIES**.....159  
Recommended Action(s): Waive the Reading, and Adopt Ordinance No. 1669, New Series, and Declare That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING THE ZONING FOR 120 WRIGHT AVENUE, A 8240 SQUARE FOOT LOT FROM R1-7,000 TO R3 AND AMENDING THE ZONING FOR 4.3 ACRES OF AN 8.3 ACRE LOT LOCATED ON MONTEREY ROAD APPROXIMATELY 700 FEET NORTH OF WATSONVILLE ROAD FROM R3 TO R2-3,500. (APN 764-14-003 & APN 767-23-016, ZA-04-03: CITY MORGAN HILL-ZONING MAP CORRECTIONS).**

	<b>Time Estimate</b>	<b>Page</b>
	<b>Consent Calendar: 1 - 10 Minutes</b>	
21.	<b><u>ADOPT ORDINANCE NO. 1670, NEW SERIES</u></b> .....	165
	<b><u>Recommended Action(s): Waive</u></b> the Reading, and <b><u>Adopt</u></b> Ordinance No. 1670, New Series, and <b><u>Declare</u></b> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by title and Further Reading Waived; Title as Follows: <b>AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING A ZONING AMENDMENT FROM MULTI FAMILY MEDIUM R-3 TO PUBLIC FACILITIES, PF FOR APPLICATION ZA-02-08: BUTTERFIELD-CITY OF MORGAN HILL REDEVELOPMENT AGENCY - COURT HOUSE (APN 726-12-006).</b>	
22.	<b><u>ADOPT ORDINANCE NO. 1671, NEW SERIES</u></b> .....	171
	<b><u>Recommended Action(s): Waive</u></b> the Reading, and <b><u>Adopt</u></b> Ordinance No. 1671, New Series, and <b><u>Declare</u></b> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by title and Further Reading Waived; Title as Follows: <b>AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING A ZONING AMENDMENT FROM R2-3,500 TO PUBLIC FACILITIES ON AN 8.49-ACRE SITE LOCATED ON THE NORTH SIDE OF EDMUNDSON AVENUE AT THE SOUTHEAST SIDE OF COMMUNITY PARK FOR APPLICATION ZA-02-10: EDMUNDSON – MORGAN HILL REDEVELOPMENT AGENCY-INDOOR RECREATION CENTER (IRC) (APNS 767-18-025 &amp; -037).</b>	
23.	<b><u>APPROVE MINUTES FOR SPECIAL CITY COUNCIL MEETING OF APRIL 7, 2004</u></b> .....	177
24.	<b><u>APPROVE MINUTES FOR SPECIAL CITY COUNCIL MEETING TOUR OF AQUATICS CENTER CONSTRUCTION SITE OF APRIL 14, 2004</u></b> .....	179
25.	<b><u>APPROVE MINUTES FOR SPECIAL CITY COUNCIL MEETING OF APRIL 14, 2004</u></b> .....	181

## ***City Council and Redevelopment Agency Action***

### **CONSENT CALENDAR:**

#### **ITEMS 26-27**

	<b>Time Estimate</b>	<b>Page</b>
	<b>Consent Calendar: 1 - 10 Minutes</b>	
26.	<b><u>APPROVE MINUTES FOR JOINT SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING OF APRIL 7, 2004</u></b> .....	183
27.	<b><u>APPROVE MINUTES FOR JOINT SPECIAL CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING OF APRIL 14, 2004</u></b> .....	219

## ***Redevelopment Agency Action***

### **CONSENT CALENDAR:**

#### **ITEMS 28**

Time Estimate

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Consent Calendar: 1 - 10 Minutes

28. **AWARD CONTRACT FOR MORGAN HILL REDEVELOPMENT AGENCY AUDIT SERVICES FOR THE FISCAL YEARS ENDING JUNE 30, 2004, 2005 AND 2006**..... 223  
**Recommended Action(s):** **Authorize** the Executive Director to Execute a Contract, Not to Exceed \$17,169, for Annual Audit Services Provided by Moss, Levy and Hartzheim for the three years ending June 30, 2004, 2005, and 2006.

## ***City Council Action***

### **CONSENT CALENDAR: (Continued)**

#### **ITEM 29**

Time Estimate

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Consent Calendar: 1 - 10 Minutes

29. **ADOPT ORDINANCE NO. 1668, NEW SERIES**.....225  
**Recommended Action(s):** **Waive** the Reading, and **Adopt** Ordinance No. 1668, New Series, and **Declare** That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO ORDINANCE NO. 1605, NEW SERIES, TO AMEND THE DEVELOPMENT AGREEMENT FOR APPLICATION MP-00-02: EAST DUNNE - GREWAL TO ALLOW FOR A FIFTEEN (15) MONTH EXTENSION OF TIME (APN 728-11-026).**

## ***City Council Action***

### **PUBLIC HEARINGS:**

Time Estimate

Page

30. 10 Minutes **ZONING AMENDMENT, ZAA-01-05: MONTEREY-SOUTH VALLEY DEVELOPERS/GATEWAY CENTER**.....231  
Public Hearing Opened.  
Please Limit Your Remarks to 3 Minutes. Public Hearing Closed  
Council Discussion.  
Action- **Motion to Waive** the Reading in Full of Zoning Amendment Ordinance.  
Action- **Motion to Introduce** Zoning Amendment Ordinance by Title Only. (Roll Call Vote)

**PUBLIC HEARINGS:**

	<b>Time Estimate</b>		<b>Page</b>
31.	10 Minutes	<b><u>AMENDMENT OF MUNICIPAL CODE REGARDING LIMITATIONS ON ADVERTISING OF TOBACCO PRODUCTS</u></b> .....	259
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- <b><u>Motion to Waive</u></b> the Reading in Full of Ordinance Amending Section 18.76.020(56.5) and 18.76.250 of the Municipal Code.	
		Action- <b><u>Motion to Introduce</u></b> Ordinance Amending Section 18.76.020(56.5) and 18.76.250 of the Municipal Code by Title Only. (Roll Call Vote)	

***City Council Action***

**OTHER BUSINESS:**

	<b>Time Estimate</b>		<b>Page</b>
32.	15 Minutes	<b><u>COYOTE VALLEY SPECIFIC PLAN – MORGAN HILL PARTICIPATION</u></b> .....	265
		<b><u>Recommended Action(s): Council Discretion.</u></b>	
33.	5 Minutes	<b><u>AMENDMENT TO AGREEMENT FOR LAND USE PLANNING CONSULTING SERVICES</u></b> .....	275
		<b><u>Recommended Action(s): Approve</u></b> Amendment to Contract with Kenneth R. Schreiber Adding \$14,410 for Land Use Consulting Services in Conjunction with the Urban Limit Line Study.	

***City Council and Redevelopment Agency Action***

**OTHER BUSINESS:**

	<b>Time Estimate</b>		<b>Page</b>
34.	5 Minutes	<b><u>CITY COUNCIL/REDEVELOPMENT AGENCY SUMMER MEETING SCHEDULE</u></b> .....	285
		<b><u>Recommended Action(s): Discussion</u></b> and <b><u>Direction</u></b> Regarding Summer Meeting Schedule.	

**FUTURE COUNCIL-INITIATED AGENDA ITEMS:**

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

**ADJOURNMENT**